

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

REALTIME DATA LLC d/b/a IXO,

Plaintiff,

v.

MONGODB INC.,

Defendant.

C.A. No. 1:19-cv-00492-CFC

JURY TRIAL DEMANDED

JOINT STIPULATION FOR STAY PENDING APPEAL

WHEREAS Plaintiff Realtime Data LLC d/b/a/ IXO (“Realtime”) filed this lawsuit against Defendant MongoDB Inc. (“MongoDB”) on March 12, 2019;

WHEREAS Plaintiff is asserting U.S. Pat. Nos. 8,933,825 (the “’825 patent), 9,116,908 (the “’908 patent”), 9,667,751 (the “’751 patent”) against Defendant in this action;

WHEREAS Plaintiffs previously asserted the same ’908 and ’751 patents against Fortinet, Inc. (“Fortinet”) in *Realtime Data LLC v. Fortinet, Inc.*, No. 17-1635-CFC (D. Del.) (the “Fortinet Action”);

WHEREAS in the Fortinet Action, following the review of Fortinet’s motion to dismiss under 35 U.S.C. § 101 and oral argument regarding the same, the Court declared the ’908 and ’751 patents invalid for claiming ineligible subject matter, *Fortinet*, No. 17-1635-CFC (D. Del. July 19, 2019) (order granting motion to dismiss);

WHEREAS Realtime has appealed the Court’s determinations in the Fortinet Action (the “Fortinet Appeal”);

WHEREAS in this action, Defendant contends that the claims of the ’908 and ’751 patents are invalid on grounds already litigated in the Fortinet Action, and soon to be at issue in the Fortinet Appeal;

WHEREAS in this action, Defendant contends that the claims of the '908 and '751 patents are directed to the same subject matter and are substantially similar to the claims of the '825 patent;

WHEREAS in this action, Defendant contends that the claims of the '825 patent are invalid on the same grounds the '908 and '751 patents are invalid that were litigated in the Fortinet Action, and soon to be at issue in the Fortinet Appeal;

WHEREAS Realtime denies that the claims of the '825 patent are invalid;

WHEREAS, accordingly, the Parties agree that the interests of efficiency are best served by staying this action pending resolution of the Fortinet Appeal;

NOW THEREFORE, the Parties stipulate and agree as follows, subject to approval and order of the Court:

Plaintiff Realtime and Defendant MongoDB hereby stipulate and agree to stay all proceedings in this matter, including serving of contentions and all discovery, pending the final resolution of the Fortinet Appeal through a final unappealed and unappealable decision.

No later than 14 days after the final resolution of the Fortinet Appeal, the parties shall meet and confer and file a status report with the Court advising the Court of the outcome of the Fortinet Appeal.

Dated: August 22, 2019

BAYARD, P.A.

/s/ Stephen B. Brauerman

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Attorneys for Defendant
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SO ORDERED this 26th day of August, 2019.



United States District Judge